

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 85492-103	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/CA2005/001892	International filing date (day/month/year) 14 December 2005 (14.12.2005)	Priority date (day/month/year) 15 December 2004 (15.12.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant O & T FARMS			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 5 sheets, including this cover sheet.  
  
In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Box No. I   | Basis of the report   |
| <input type="checkbox"/> Box No. II             | Priority  |
| <input type="checkbox"/> Box No. III            | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/> Box No. IV             | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V   | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI             | Certain documents cited   |
| <input checked="" type="checkbox"/> Box No. VII | Certain defects in the international application  |
| <input type="checkbox"/> Box No. VIII           | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	Date of issuance of this report 19 June 2007 (19.06.2007)
	Authorized officer  <b>Athina Nickitas-Etienne</b>  e-mail: pt04.pct@wipo.int

Form PCT/IB/373 (January 2004)

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
**BATTISON WILLIAMS DUPUIS**  
P.O. Box 28006  
1795 Henderson Highway  
WINNIPEG, Manitoba  
Canada, R2G 1P0

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing 27 April 2006 (27-04-2006)  
(day/month/year)

Applicant's or agent's file reference  
85492-103

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/CA2005/001892**

International filing date (day/month/year)  
14 December 2005 (14-12-2005)

Priority date (day/month/year)  
15 December 2004 (15-12-2004)

International Patent Classification (IPC) or both national classification and IPC  
IPC: *A23K 1/14* (2006.01), *A23P 1/12* (2006.01), *A23L 3/16* (2006.01), *A23L 1/9* (2006.01)

Applicant  
**O&T FARMS ET AL**

1. This opinion contains indications relating to the following items :

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Box No. I   | Basis of the opinion   |
| <input type="checkbox"/> Box No. II             | Priority   |
| <input type="checkbox"/> Box No. III            | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/> Box No. IV             | Lack of unity of invention   |
| <input checked="" type="checkbox"/> Box No. V   | Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI             | Certain documents cited  |
| <input checked="" type="checkbox"/> Box No. VII | Certain defects in the international application   |
| <input type="checkbox"/> Box No. VIII           | Certain observations on the international application  |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CA  
Canadian Intellectual Property Office  
Place du Portage I, C114 - 1st Floor, Box PCT  
50 Victoria Street  
Gatineau, Quebec K1A 0C9  
Facsimile No.: 001(819)953-2476

Date of completion of this opinion  
25 April 2006 (25-04-2006)

Authorized officer  
Elizabeth A. McKay Andrews  
(819) 997-2950

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/CA2005/001892

**Box No. 1                      Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:  
  
    ☒ the international application in the language in which it was filed  
  
    ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :
  - a. type of material
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form
    - ☐ furnished subsequently to this Authority for the purposes of search.
- 3 ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statement that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments :

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/CA2005/001892**

**Box No. V** Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**1. Statement**

Novelty (N)	Claims <u>1-16</u>	YES
	Claims <u>none</u>	NO
Inventive step (IS)	Claims <u>1-16</u>	YES
	Claims <u>none</u>	NO
Industrial applicability (IA)	Claims <u>1-16</u>	YES
	Claims <u>none</u>	NO

**2. Citations and explanations :**

**1** Reference is made to the following documents:

D1 EP 1106077  
D2 CA 2444189  
D3 WO 98/47389

**2** D1 represents the closest prior art. It teaches to utilize a feed supplement to increase omega-3 fatty acid content in cow's milk. The supplement contains 50-99% flax seed, 1-30% wheat, 1-20% legume. The ingredients are crushed and blended, and the powder obtained is stored before extrusion. The extrusion takes place under elevated pressure at 80-150°C. The product is then dried.

D1 does not teach or suggest to use intact oilseed with the pulse crop powder to prepare the feed supplement.

Claims 1-16 are novel and inventive in view of the teachings of D1 and so satisfy Article 33(2) and (3) PCT.

**3** D2 teaches a feed additive for increasing the amount of essential fatty acids in the milk, eggs, meat and other by-products from animals. The feed additive comprises essential fatty acids and a natural ingredient selected from the group consisting of talc and clay.

D2 does not teach or suggest to use intact oilseed with a pulse crop powder to prepare a feed supplement to increase the amount of omega-3 fatty acids, CLA or DHA in an edible animal product.

Claims 1-16 are novel and inventive in view of the teachings of D2 and so satisfy Article 33(2) and (3) PCT.

**4** D3 teaches feeding a hen a feed containing corn, soybean meal, flaxseed, oyster shell, limestone, salt, vitamin premix, mineral premix, Vitamin E premix, methionine, animal/vegetable fat blend, pectinase and glucanase enzyme product, and phosphorus to produce eggs enriched in omega-3 fatty acid.

D3 does not teach nor suggest to use intact oilseed with a pulse crop powder to prepare a feed supplement to increase the amount of omega-3 fatty acids, CLA or DHA in an edible animal product.

Claims 1-16 are novel and inventive in view of the teachings of D3 and so satisfy Article 33(2) and (3) PCT.

**5** Claims 1-16 meet the requirements of Article 33(4) because animal feed supplements and methods of increasing the amount of omega-3 fatty acids of CLA or DHA in an edible animal product is of industrial applicability.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/CA2005/001892

**Box No. VII      Certain defects in the international application**

The following defects in the form or contents of the international application have been noted :

The description and claims do not comply with Rule 10.1 of the PCT.

- Units of weight and measures shall be expressed in terms of the metric system.
- Temperatures shall be expressed in degrees Celsius.